

(Rev. 4/97)

**FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983**

ORIGINAL

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

05 - 399

JAMES A. WILSON, ET. AL. see Attachment.

(Enter above the full name of the plaintiff in this action)

JURY TRIAL DEMANDED

V.

STANLEY TAYLOR, Individually and Official Capacity as Commissioner D.O.C.

RICK KEARNEY, Individually and Official Capacity as Warden, S.C.I.

(Enter above the full name of the defendant(s) in this action)



I. Previous lawsuits

A. Have you begun other lawsuits in state or federal courts dealing with the same facts involved in this action or otherwise relating to your imprisonment?
YES ☒ NO

B. If your answer to A is yes, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit

Plaintiffs Gregory Hubbard, et.al. C.A. No.: oo-531 SLR

Overcrodedness

Defendants Stanley Taylor, Raphael Williams, M. Jane Brady

2. Court (if federal court, name the district; if state court, name the county)

UNITED STATES DISTRICT COURT, DISTRICT DELAWARE

3. Docket number Civil Action No.: 00-531

4. Name of judge to whom case was assigned Sue L. Robinson

5. Disposition (for example: Was the case dismissed? Was it appealed?
Is it still pending?)

Remanded back to District Court by Order of Court of Appeals

6. Approximate date of filing lawsuit 4/25/00

7. Approximate date of disposition _____

- II. A. Is there a prisoner grievance procedure in this institution? Yes [y] No []

- B. Did you present the facts relating to your complaint in the state prisoner grievance procedure? Yes [y] No [n]

- C. If your answer is YES,

1. What steps did you take? Filed Grievance for some things
that was Grievable and received no change and other claims not
Grievable
2. What was the result? No change, and was told not Grievable

- D. If your answer is NO, explain why not _____

some Claims are not Grievable

- E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes [] No [n]

- F. If your answer is YES,

1. What steps did you take? N/A

2. What was the result? _____

III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff James A. Wilson, ET.AL. see Attachment
Address S.C.I. P.O.Box 500Georgetown, DE. 19947

(In item B below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the names, positions, and place of employment of any additional defendants.)

B. Defendant Stanley Taylor is employed as Commissioner
at Department of Corrections

C. Additional Defendants Rick KearneyWarden of S.C.I.

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet if necessary.)

See Attached

STATEMENT OF CLAIM

1. Black Inmate's are denied procedural due process hearings at S.C.I., in classification, jobs, and disciplinary actions.
2. Black Inmate's are the majority at the prison.
3. Blacks are more likely to be sprayed with meace because of their race.
4. Black Inmate's are more likely to be classified to higher security and moved before due process proceedings are done.
4. Black Inmate's are being discriminated against in Classification, Jobs, and Disciplinary Actions.
5. Black Inmates are being denied Equal Protection Clause in Jobs, Classification, and Disciplinary proceedings.
6. Inmates are being sold out dated products from commissary.
7. Inmates are being sold product that contain pork without notice.
8. Commissary prices are increasing and Inmate wages remain the same.
9. Phone call rates are too high for Inmates to call home on regular basis.
10. Inmate Fund is being used inappropriately by the institution.
11. All Muslim Sects are being forced to worship together.

EXAMPLE

An example of Black Inmates being denied Equal Protection and Due Process in Disciplinary Hearings as well as Classification is when Inmate Nathan Henry was found guilty for Disobeying an order write up written by CPL. J. Stolzenbach by LT. Hollis who is the Merit Building LT. and who also sit in on Inmate Henry Classification which resorted in him being Classified to a higher security.

Inmate Henry Appealed his write up, however, he was classified and moved out of the building before receiving any response from his appeal. Inmate Henry lost his job liberty as well as his Merit/Minimum Status before Due Process was complete. This is a typical action toward Black Inmates at S.C.I. while white Inmates gets to remain at there status and find a new job which is supported by Classification Counselor and Lt. of the building as well as the MDT Board. S.C.I. only has one Black Counselor while the majority of inmates are black.

Inmate Henry also served his disciplinary sanction while his appeal was still in motion. Inmate Henry was given an order by Cpl. Stenzenbach to clean the showers because he was the tier man. Inmate Henry cleaned the showers and then returned to his daily activities. Cpl. Stenzenbach made a statement to Inmate Henry that he did a half hearted job, then walked away and wrote Inmate Henry up for disobeying an order. Cpl. Stenzenbach never gave Inmate Henry another order to redue the showers. There is no specific rule stating that the showers has to be clean a certain way, yet Inmate Henry was sanctioned for a rule that was never displayed concerning how the showers was to be clean. Due Process requires that inmates receive fair notice of a rule before they can be sanctioned for its violation.

Another example of Black Inmates being denied Equal Protection and Due Process is when Inmate Pedro Cintra was was spryed with mace as he walked bakwards from Sgt. Mears who requested his ID, Inmate Pedro was taken to A.S.D.A., lost his job and his Merit/Minimum status. Inmate Pedro is also Black. Refusing to give up an ID do not require the action of being spryed with mace nor does it require excess force. Sgt. Mears was accompanied by Cpl. Stolzenbach who could have did something to prevent this, however, blacks are more likely to receive excess force by Officers than white inmates.

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments.
Cite no cases or statutes.)

See Attachment

Signed this JUNE day of 10, 2005

James A. Wilson et al
(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

6/10/05
Date

James A. Wilson et al
(Signature of Plaintiff)

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, individually and on behalf of all others similarly situated, request that this Court:

- a. Assume jurisdiction of this action;
- b. Issue an order certifying this action to proceed as a class pursuant to Rule 23 (a) and (b) (2) of the Federal Rules of Civil Procedure;
- c. Issue a declaratory judgment pursuant the Federal Rules of Civil Procedure, that the policies, practices, acts and omissions complained of herein violate Plaintiff' rights;
- d. Issue a preliminary and permanent injunctive relief sufficient to rectify the unconstitutional and unlawful acts, policies, practices complained of herein;
- e. Retain jurisdiction over Defendants until such time as the Court is satisfied that their unlawful policies, practices, acts and emissions complained of herein no longer exist and will not recur;
- f. Order a temporary restraining order be issued against the Defendants to prevent any physical, mental, direct or indirect harassment, treatment, or unfair classification, administrative movement, or illegal transfers of Plaintiff's as a result of their filing this Class Action Civil Complaint
- g. Award damages to the Plaintiffs in an amount in excess of \$100,000;
- h. Award such other further relief as to this Court seems just and proper

*James A. Wilson
et al
S. C. L
P.O. Box 500 Georgetown, DE. 19947*

1) JAMES A. Wilson #163663

Signature

2) Anthony Morris #300303

27) Shaun Lee
Shaun LEE

3) Dano Young 00282852

28) ~~Charles E. Sanders~~ #160425

4) Eldon Potts #211193

5) Jerry Neston #329478

29) Nathaniel Henry

6) Dereck Stokes #303183

7) Robert Oxford #226731

8) ~~Royce Brown~~ 3157511#

9) Samuel Jones 465297

10) FRANK Williams #261807

11) Dedrick Chase #168185

12) Jerome Green 147772

13) ARTURO Frisky 215613

14) LEE SERPA 350322

15) Brian Briscoe #342223

16. George A. Jackson #171250

17) HILL-CHARLES #316998

18) Gilbert Williams #137575

19) Norman Deshields 171016

20) Charles Quillen 21182

21 Tim Woodman 178038

22. Kevin Spivey 258693

23. Shawn Smith 281928

24. Howard Paken

25. Gerald Reed 276404

26. James Johnson

155123

JAMES WILSON m/s

S.C.I.

P.O. Box 500

Georgetown, De. 19947



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U.S.M.S.
X-RAY